

REMARKS

Summary of Office Action

Claims 1-40 are pending in the application.

Claims 8-10, 16, 21, 22, and 30-40 were withdrawn.

The Examiner objected to the specification under MPEP § 608.01(b).

The Examiner objected to the drawings filed on October 14, 2003 under 37 C.F.R. § 1.142(b).

The Examiner required that the provisional election made on August 16, 2004 be affirmed.

Claims 1-3, 11, 15, 17, 19, 20, 24, and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lithwick U.S. Patent No. 4,951,404 (hereinafter "Lithwick").

Claims 4-7, 12-14, and 26-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lithwick in view of Hirsch U.S. Patent No. 6,484,425 (hereinafter "Hirsch").

Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lithwick in view of Fine U.S. Patent No. 6,438,878 (hereinafter "Fine") or Gregory-Gillman U.S. Patent No. 6,151,823 (hereinafter "Gregory-Gillman").

Claims 5 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lithwick in view of Borden U.S. Patent No. 5,197,213 (herinafter "Borden").

Summary of Applicants' Amendments

Applicants have amended the abstract in order to overcome the Examiner's objection under MPEP § 608.01(b).

Applicants have cancelled claim 2 in order to expedite prosecution.

Applicants have amended claims 24 in order to more particularly point out and distinctly claim the subject matter that applicants regard as the invention.

Applicants have added new claims 41-51 in order to more particularly point out and distinctly claim the subject matter that applicants regard as the invention.

Applicant's Response to the Election Requirement

Applicants hereby affirm the provisional election of Species 1 (FIGS. 1-3), with traverse, made on August 16, 2004 by the undersigned, Jeffrey D. Mullen (Reg. No. 52,056). Applicant also traverses the inclusion of claims 1-7, 11-15, 17-20, and 23-29 in Species 1 without claims 8-10, 16, 21, and 22, but affirms the election of claims 1-7, 11-15, 17-20, and 23-29 in order to expedite prosecution.

The Examiner, however, stated that "no claim is generic" (Office Action, page 2). Yet, claim 1 is generic. Particularly, claims 8-10, 16, 21, and 22 are dependent from claim 1. And, claims 8, 21, and 22 were withdrawn for being "directed to the non-elected embodiment shown in figures 6-8." Similarly, claims 16, 21, and 22 were withdrawn for being "directed to the non-elected embodiment shown in figure 10" (Office Action, page 3).

Accordingly, applicant respectfully submits that upon allowance of claim 1, claims 8-10, 16, 21, and 22 be reinstated and, subsequently, allowed.

Applicant's Response to the
Examiner's Objection to the Drawings

The Examiner objected to the drawings under 37 C.F.R. § 1.142(b) as "the glue defined in claim 2 must be shown or the feature(s) canceled from the claim(s)" (Office Action, page 3).

In order to expedite prosecution, applicants have cancelled claim 2. Accordingly, applicants respectfully request that the objection to the drawings under 37 C.F.R. § 1.142(b) be withdrawn.

Applicants reserve the right to claim the subject matter of claim 2 in a divisional or continuation application.

Applicant's Response to the
Examiner's Objection to the Specification

The Examiner objected to the abstract under MPEP § 608.01(b) because the disclosure "contains the word 'invention' and because the "abstract is more than 150 words" (Office Action, page 3).

Applicants have amended the abstract to remove the word 'invention.' Accordingly, applicants respectfully request that the objection under MPEP § 608.01(b) be withdrawn.

Applicant's Response to the
Rejections Under 35 U.S.C. 102(b)

Claims 1-3, 11, 15, 17, 19, 20, 24, and 25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Lithwick.

Claim 1

The Examiner stated that Lithwick shows "a first transparent containment sheet (26) ... [and] ... a second transparent containment sheet (25)" (Office Action, page 4).

Lithwick, however, does not show or suggest two distinct containment sheets. Lithwick, at best, only discusses a container formed from a single sheet - "a molded sheet of acrylic The sheet ... stamped out of a flat material and has molded therein a first tray-like cavity ... and a second tray-like cavity" (Lithwick, col. 2, lines 33-37). Furthermore, the "regions within which the cavities ... appear are separated from each other by a fold line 27" (Lithwick, col. 2, lines 39-42).

Applicants' claim 1, however, includes a special effects container that is formed from two containment sheets - a first and a second containment sheet - not one. As a result, numerous functional advantages are provided. For example, the use of two containment sheets allows for numerous design and manufacturing alternatives.

In light of the foregoing, applicants respectfully request that the Examiner's rejection of claim 1, and any claims dependent therefrom, under U.S.C. § 102(b) be withdrawn.

Furthermore, applicant respectfully submits that withdrawn claims 8-10, 16, 21, and 22 be reinstated and placed in condition for allowance because, as shown above, claim 1 is in condition for allowance. Claims 8-10, 16, 21, and 22 depend from allowable claim 1.

Claim 24

The Examiner stated that that Luthwick shows a container (Office Action, page 4).

Applicants have amended claim 24 to include the feature of a special effects container that comprises at least one containment sheet that is substantially flat. No new matter has been added. For example, a "container may be formed ... by two sheets (e.g., two transparent sheets) or one transparent sheet folded in half" (applicants' spec., page 11, lines 5-7). Sheets are provided in FIGS. 2-10, for example, that are substantially flat.

Luthwick does not show or suggest a container that comprises at least one sheet that is substantially flat. Luthwick's sheet includes two cavities - a "shallow cavity" and "a deep cavity" (Luthwick, col. 2, lines 38-39). Accordingly, applicants respectfully request that the Examiner's rejection of claim 1, and any claims dependent therefrom, under U.S.C. § 102(b), be withdrawn.

Claims 4-7, 12-14, and 26-29

Claims 4-7, 12-14, and 26-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Lithwick in view of Hirsch.

As shown above, claims 1 and 24 are in condition for allowance. Claims 4-7 and 12-14 depend from claim 1 and claims 26-29 depend from allowable claim 24. Accordingly, applicants respectfully submit that claims 4-7, 12-14, and 26-29 are in condition for allowance.

Applicant's Response to the
Rejections Under 35 U.S.C. 102(b)

Claim 23

Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over Lithwick in view of Fine or Gregory-Gillman.

As shown above, claim 1 is in condition for allowance. Claim 23 depends from allowable claim 1. Accordingly, applicants respectfully submit that claim 23 is in condition for allowance.

Claims 5 and 28

Claims 5 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lithwick in view of Borden.

As shown above, claims 1 and 24 are in condition for allowance. Claim 5 depends from claim 1 and claim 28 depends from allowable claim 24. Accordingly, applicants respectfully submits that claims 5 and 28 are in condition for allowance.

New Claims 41-51

None of the prior art, used either alone or in combination, shows or suggests a sheet having three sheet segments where two of these sheet segments are affixed together to form a container and where an aperture is defined in the second sheet segment and covered by a transparent containment sheet.

Accordingly, applicants respectfully submit that claims 41-51 are in condition for allowance.

Withdrawn Claims 8-10, 16, 21, and 22

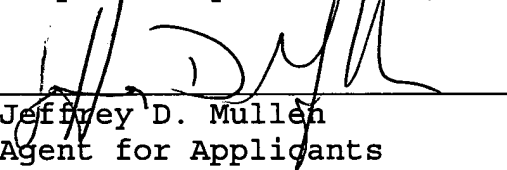
As shown above, claim 1 is allowable. Accordingly, applicants respectfully submit that withdrawn claims 8-10, 16, 21, and 22 be reinstated and placed in condition for allowance because claim 1 is in condition for allowance. Claims 8-10, 16, 21, and 22 depend from claim 1.

Conclusion

Applicants respectfully submit that this application, including claims 1-51, is in condition for allowance.

Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully Submitted,



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